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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/620,826	07/21/2000	Reza Majidi-Ahy	164.1017.01	4409
22883	7590	07/08/2004	EXAMINER	
SWERNOFSKY LAW GROUP PC P.O. BOX 390013 MOUNTAIN VIEW, CA 94039-0013			JONES, PRENELL P	
			ART UNIT	PAPER NUMBER
			2667	

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/620,826

Applicant(s)

MAJIDI-AHY ET AL.

Examiner

Prenell P Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-17 and 35-97 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 35-97 is/are allowed.
- 6) ☒ Claim(s) 4-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 4-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raissinia et al in view of Dittmar et al.

Regarding claims 4-17, Raissinia discloses (Abstract, Figs. 1-5, col. 3, line 9 thru col. 5, line 30) a point-to-multi-point communication system that includes groups of codeword (first set of parameter values/second set of parameter values)

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associated with OSI physical layer and MAC layer, wherein the sending of first values (Fig. 2), producing second information regarding characteristics of a communication channel in response to a result of the steps of sending and adjusting plurality of first values (power, collision rate, error code) with respect to the second information (cols 5-8) wherein the first/second parameters of communication link are responsive to adjusting step, and (col. 8) communication link enduring interference effects whereby the link includes a (col. 4) plurality of separate channels using at least one or a plurality of time division. Raissinia is silent on parameter values collectively optimized based on performance measurements. In analogous art, Dittmar discloses optimizing parameters (Abstract, Fig. 4, col. 2, line 5 thru col. 3, line 13, col. 9, line 8 thru col. 10, line 52) associated with a predetermined set parameter values, optimizing parameter values based on measured performance characteristics, (col. 13, line 18-28) tuning values (optimize) for a variety of parameter types for optimizing settings. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement parameter values optimized at the same time based on measured performance as taught by Dittmar with the teachings of Raissinia for the purpose of uniformly optimizing the communication system.

Allowable Subject Matter

1. Claims 35-97 are allowed over prior art.
2. The following is an examiner's statement of reasons for indicating allowable subject matter: Although the cited prior art teaches a

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point-to-multi-point communication system that includes groups of codeword (first set of parameter values/second set of parameter values) associated with OSI physical layer and MAC layer, wherein the sending of first values, and producing second information regarding characteristics of a communication channel in response to a result of the steps of sending and adjusting plurality of first values (power, collision rate, error code) with respect to the second information wherein the first/second parameters of communication link are responsive to adjusting step, and communication link enduring interference effects whereby the link includes a plurality of separate channels using at least one or a plurality of time division, optimizing parameters associated with a predetermined set parameter values, optimizing parameter values based on measured performance characteristics, tuning values (optimize) for a variety of parameter types for optimizing settings, implement parameter values optimized at the same time they fail to teach or suggest obtaining characteristics of a communication system in response to a first set of values and determining a second set, optimizing plurality of communication parameters wherein time-varying adjustment is independent with regard to each independent communication channel, communication parameters are effective to alter aspects of each said independent channel with regard to frequency-variation, spatial-variation or time-variation.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 703-305-0630. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 703-305-4378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

June 13, 2004



CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 6/14/04